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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/002,919

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Seung-Tack Hyon

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

03/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/002,919

Applicant(s)

HYON, SEUNG-TAEK

Examiner

KHAI M. NGUYEN

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

Regarding claims 1-2 and 4-28, Applicant argues, on pages 2-4 of the remarks, that Selly, Umeda, and Watanabe do not disclose, teaches or suggests "creating, by a user, at least one emoticon formed by utilizing a plurality of typical characters and special characters in combination; storing the at least one formed emoticon in the mobile terminal; entering an emoticon input mode; displaying the stored emoticons in an emoticon input mode; selecting a created and stored emoticon; and storing within a short message the emoticon selected by the user".

The Examiner respectfully disagrees with Applicant's argument because Selly, Umeda, and Watanabe clearly discloses creating, by a user, at least one emoticon formed by utilizing a plurality of typical characters and special Characters in combination (see Umeda, abstract, pg.2, lines 11-24; inputting can be set up on aforementioned same screen by arranging on the preparation sheet the electronic mail data such as characters (the characters from Japanese hiragana 'ki' to same "ta" as shown in the figure), data icon of image information and the program icon which controls the display of image information); storing the at least one formed emoticon in the mobile terminal (see Skelly, fig.2a and 3a-3b); entering an emoticon input mode (see Skelly, col.1, lines 43-65); displaying the stored emoticons in an emoticon input mode (see Skelly, fig.2 and 10, head mapping table 96, and body mapping table 98, storage 22 (hold a copy of an operating system 24 and comic generating system 26), col.4, lines 7-26); selecting a created (see Skelly, fig.4-5 and 10) and stored emoticon (see Skelly, fig.4-5 and 10, head mapping table 96; and body mapping table 98, storage 22, col.4, lines 7-26 (store); and storing within a short message (message/electronic mail) the emoticon selected by the user (see Watanabe, fig.2-6 and 8, col.1, lines 32-49, col.2, lines 11-61, an electronic mail service in which an electronic pet is added to an electronic mail and sent with the electronic mail. At the receiver, the pet carrying the mail is displayed on the terminal).

/Khai M Nguyen/
Examiner, Art Unit 2617